

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

DCO-111

No. 20-1811

UNITED STATES OF AMERICA

v.

FREDERICK H. BANKS,
Appellant

(W.D. Pa. No. 2-15-cr-00168-001)

Present: RESTREPO, PORTER and SCIRICA, Circuit Judges

1. Clerk's Submission for Possible Dismissal Pursuant to Jurisdictional Defect.
2. Response filed by Appellee to Clerk's Submission for Possible Dismissal Pursuant to Jurisdictional Defect.
3. Response filed by Appellant to Clerk's Submission for Possible Dismissal Pursuant to Jurisdictional Defect.

Respectfully,
Clerk/clw

ORDER

In this appeal, the defendant appeals pro se an order continuing his sentencing date because it allegedly denies him "sentencing [...] without delay." The order is not a final, appealable order. See Midland Asphalt Corp. v. United States, 489 U.S. 794, 798 (1989) ("[The final-judgment rule] prohibits appellate review until after conviction and imposition of sentence."); United States v. Lacerda, 958 F.3d 196, 119–220 (3d Cir. 2020) (reviewing speedy-sentencing claim on direct appeal).

The appeal is therefore DISMISSED for lack of appellate jurisdiction.

By the Court,

s/Anthony J. Scirica
Circuit Judge



A True Copy:

A handwritten signature in black ink that appears to read "Patricia S. Dodszuweit".

Patricia S. Dodszuweit, Clerk
Certified Order Issued in Lieu of Mandate

Dated: October 8, 2020
CLW/cc: Laura S. Irwin, Esq.
Marvin Miller, Esq.